



General Assembly

January Session, 2001

**Committee Bill No. 477**

LCO No. 3294

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING INSURANCE SETTLEMENTS FOR TOTAL LOSS VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 38a-353 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) Whenever [any] a damaged motor vehicle covered under an  
4 automobile insurance policy has been declared to be a constructive  
5 total loss by the insurer, the insurer shall, in calculating the value of  
6 such vehicle for purposes of determining the settlement amount to be  
7 paid to the claimant, use at least the average of the retail values given  
8 such vehicle by (1) the National Automobile Dealers Association used  
9 car guide, and (2) one other automobile industry source which has  
10 been approved for such use by the Insurance Commissioner. For  
11 purposes of this section, "constructive total loss" means the cost to  
12 repair or salvage damaged property, or the cost to both repair and  
13 salvage such property, equals or exceeds the total value of the property  
14 at the time of loss.

15 (b) Whenever a damaged motor vehicle covered under an

16 automobile insurance policy has been declared to be a constructive  
17 total loss by the insurer and the vehicle is in the possession of a  
18 licensed dealer or repairer, the insurer shall (1) pay any outstanding  
19 charges, including, but not limited to, storage and authorized repair  
20 costs, and (2) remove the vehicle or tender title to the dealer or repairer  
21 not later than ten days after the insurer settles the claim on the motor  
22 vehicle with the vehicle's owner and lienholders.

***Statement of Purpose:***

To require automobile insurers to promptly settle accounts and take possession of a vehicle that is deemed a total loss when the vehicle is in the possession of a licensed dealer or repairer.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. BOZEK, 6th Dist.; REP. JARJURA, 74th Dist.  
SEN. DELUCA, 32nd Dist.; REP. KLARIDES, 114th Dist.